

THE LAW FIRM OF
JEFFREY S. DWECK, P.C.
100 West 33rd Street • Suite 1013
New York, New York 10001

(212) 502-6150
Fax: (212) 502-2010
Email: Jeffrey@dweckny.com

Jeffrey S. Dweck, Esq.*

Of Counsel:
Jack A. Aini, Esq.

* Also admitted in New Jersey.

July 31, 2008

Via ECF

Honorable William H. Pauley, III
United States District Court
for the Southern District of New York
500 Pearl Street – Room 2210
New York, New York 10007

Re: Famous Horse Inc. dba V.I.M. vs. 5th Avenue Photo Inc., et al.
Case No. 07 CV 7818
Plaintiff's Motion filed July 24, 2008

Dear Judge Pauley:

We are writing in response to a second filing¹ made July 24, 2008 (this follows a similar filing made June 3, 2008 which is the subject of this Court's decision dated July 8, 2008) by the plaintiff in this matter.

By this letter, we oppose any relief sought therein on bases set forth in our letter of June 6, 2008², to wit:

1. The motion is improperly made and not in accordance with the F.R.C.P., the Court Rules and/or Your Honor's Individual Rules of Practice; and
2. The pleading amendment sought is futile and changes nothing that would allow a claim to be made in favor of the "V.I.M." trademark. The mere use of a mark as identifying a customer that the defendant's sell falls short of creating the [confusing] impression of an association or endorsement sufficient to give rise to a trademark claim. Should it please the Court, we can brief this issue.

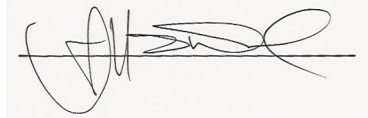
¹ The filings follow this Court's decision of May 19, 2008 dismissing the Complaint.

² Written in response to plaintiff's the first attempt to amend the Complaint.

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On these bases we ask that the relief sought be denied summarily.

Very truly yours,

A handwritten signature in black ink, appearing to read 'J. Dweck', is written over a horizontal line.

THE LAW FIRM OF
JEFFREY S. DWECK, P.C.

cc: Feldman Law Group, P.C.
12 East 41st Street
New York, New York 10017
Attention: Kenneth Feldman, Esq.
(Via Fax 212-532-8598 and Email (ken@feldman-law.com))